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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

In re Application of:

JORGENSEN, Rolf Jess

Serial No.: 09/527,680

Filed: March 17, 2000

For: METHOD OF PREVENTING  
PARTURIENT...

) Art Unit: 1617

) Examiner: NGUYEN, H.

) Washington, D.C.

) May 3, 2001

) Docket No.: JORGENSEN=2

#11  
JRP  
5/24/01



ELECTION WITH TRAVERSE

Honorable Commissioner of Patents  
Washington, D.C. 20231

S i r :

1. In response to the restriction requirement mailed April 3, 2001, Applicant hereby elects group II, with traverse. The traverse is on the ground that one or more of the composition claims of group II are allowable, and hence the method claims of group I are rejoinable if made dependent on the allowable composition claims. Applicant has amended claim 1 to depend from claim 14.
2. The species restriction is traversed on the following grounds. First it is unclear whether applicant is expected to elect one of (A), (B), (C) and (D) because only (A) and (B) are recited on page 3 while (C) and (D) are separately recited on page 5. If applicant is expected to elect one of A-D, the species restriction is improper because A-D are not mutually exclusive, i.e., a zinc compound of (B) may be either encapsulated (per C) or unencapsulated (per D). If the examiner's intent was that if (B) were elected, that applicant make a further election between encapsulated and unencapsulated, this should have been more clearly indicated, e.g., by labeling the choices as "B1" and "B2".

Applicant further traverses the species restriction on the grounds that generic claims are allowable. At least claims 14, 27, 28 and 29 are generic. Claim 16 is subgeneric to species (A) and claims 20 and 21 are species (B).

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3. Out of (A)-(D), Applicant hereby elects species (A), the calcium-binding compound (claims 3-6 and 16-19).
4. Pursuant to page 4 of the office action, Applicant further elects, as a species of calcium-binding compound, the zeolites of claim 5. If this must be further specified, applicant elects the sodium aluminosilicate zeolite A type mentioned in claim 6.
5. With regard to dosage forms of claims 25 and 26 (see page 6), Applicant elects pellets.

Respectfully submitted,

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